

February 11, 2009

Senate Judiciary Committee
Hearing SB46
Room 303 9 a.m.
Montana State Capitol
Helena, Montana

Mr. Chairman, Members of the Committee,

My name is Kandi Matthew-Jenkins; I live in Missoula, Montana.

It is my request that you vote for SB46 in obeisance to your oath of office to "support, protect and defend the Constitution of the united States and the Constitution of the state of Montana".

It is my understanding that though we are governed under the principles of a republican form of government under the protection of our Constitution we still have certain democratic processes within the state of Montana, these being the ability to present before the registered voters of this state certain Constitutional amendments, initiatives and referendums. One coming out of legislative action being a Constitutional Amendment such as is presented before this committee today.

George Washington stated in 1787 that "The power under the Constitution will always be in the people. It is entrusted for certain defined purposes, and for certain limited period, to representatives of their own choosing:", from the Declaration of Independence we read: "WE hold these Truths to be self evident, that all Men are created (I do want to emphasis here that we are all created) equal, that they are endowed by their Creator with certain unalienable Rights, that among them are LIFE (I do want to emphasis that we are all given the unalienable right to life by the Creator), Liberty and the Pursuit of Happiness- That to secure these Rights, Governments are instituted among Men, deriving their just powers from the Consent of the Governed," and in our Montana Constitution, Article II Section: 1. Popular sovereignty. "All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole."

In consideration of the above quotes and a Montanan's Right to Know and Right to Participate it would be a breach of your oath of office NOT to allow this amendment to go forward to a decision of the people whether they want to be representative of an unconstitutional federal Supreme Court Opinion in one case. As we all know there is no federal code nor could there be a federal code written and voted upon by our Congressional representatives legitimizing and condoning "MURDER" of innocent human beings.

Former Under-Secretary of State J. Reuben Clark, Jr. explained the separation of powers as seen through the eyes of our Founding Fathers and upheld in the declaration of the separation of the branches of government in the Constitution of the united States and our own state constitution: "The Framers...separated the three functions of government, and set each of them up as separate branch--the legislative, the executive, and the judicial. Each was wholly independent of the other. No one of them might encroach upon the other. NO ONE OF THEM MIGHT DELEGATE ITS POWER TO ANOTHER."

Such is the Supreme Court decision in Roe v Wade which has Never been declared by Congress through a vote of our elected representatives a 'law of the land' in obeisance with our federal or state constitutions, nor has it ever been tested by any court as to its' constitutionality. Aside from that no court of law can enact a law because that would be a violation of the separation of powers constituting a crossing of branch lines which we have just heard cannot be done

I assert that the people of Montana have been deprived of their right to decide whether they want to live under an assumption that protection of unborn human life is not a compelling state interest but an individual unconstitutional right to murder unborn human beings.

I assert that it is your duty to allow the people of Montana to vote for themselves their conscience and self-governance and a breach OF YOUR OATH OF OFFICE TO DENY AGAIN THE PEOPLE THEIR RIGHTS!

Thank you,

Kandi Matthew-Jenkins 2/11/09

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